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SEP 22 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

TRANSMITTAL COVER SHEET FOR RENEWED PETITION UNDER 37 CFR 1.181

Sir:

Transmitted herewith for filing are as the follows:


1. Renewed petition under 37 CFR 1.181 (2 pages);
2. Statement by local agent (2 pages);
3. Copies of docket records of Monthly Log Book for Mail Delivery from USPTO to P.O. Box 6-57 (6 pages);

Respectfully submitted,

Date: September 22, 2008

Address all Correspondences to:

By:


Jung-Chun TSENG

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068 / FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

P.S. The transmission by facsimile containing 11 pages including the cover sheet.

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IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

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EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

STATEMENT BY LOCAL AGENT

Dear Sir,

Further to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Fee(s) Due sent by my client Jung-Chun TSENG on October 23, 2007, I, Vincent LIN, the local agent who handled the incoming mail would like to make the statement as follows:

I hereby confirm that I, Vincent LIN, was at the correspondence address, P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail as a mail date of "May 02, 2006" in USPTO website-PAIR as well as the Notice of Abandonment which was supposed to mail as a mail date of "November 12, 2003" as indicated in the Decision on Petition of July 22, 2008.

I also declare that I was diligent in checking and handling the incoming mail routinely on every week and neither the Notice of Allowance and Fee(s) Due nor the Notice of Abandonment in question was not received from USPTO after a thorough search and investigation of the file jacket and the docket records have been done.

In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by our end (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communications are attached herewith for reference. Accordingly, it is obvious to be seen that failure to receive the official communications has great relations to the contracted courier TNT as highlighted in our petition statement dated October 23, 2007. Also, same condition happened to applications 10/685596,

10/681897, 10/435463, 10/163551 and 10/205418, for which the aforementioned applications that were lapsed under the same circumstances had finally been granted after the submission of sufficient evidences to prove that I, the local agent, is innocent and should not be blamed for not timely responding to the official communications.

I hereby declare that I have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

SIGNED BY

The local agent who handled the mail delivery of the Office Communications:

Name: Vincent LIN

Signature: Vincent Lin

Date: September 22, 2008

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

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SERIAL NUMBER: 10/042,328

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FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

**PETITION TO REINSTATE APPLICATION DUE TO FAILURE TO RECEIVE
NOTICE OF ALLOWANCE AND FEE(S) DUE UNDER 37 C.F.R.1.181**

Dear Sir,

Further to my Petition to Withdraw Holding of Abandonment based on Failure to Receive Notice of Allowance and Fee(s) Due sent by fax, for which 2 pages of the journal report were being provided along with the previous petition, I hereby would like to emphasize that neither the aforementioned Notice of Allowance and Fee(s) Due nor the Notice of Abandonment mailed on November 12, 2003 was received until now.

I also confirm that the correspondence address was in fact at P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due and the Notice of Abandonment were supposed to mail in accordance with the mail date March 22, 2006 and November 12, 2003 respectively as indicated in USPTO website-PAIR.

According to the local agent at my correspondence address who would have checked and handled the office communication routinely on every week, a thorough search and investigation of the file jacket and docket records has been done indicating that the Notice of Allowance and Fee(s) Due as well as the Notice of Abandonment were not, in fact received from USPTO. Please check carefully copies of the docket records maintained by the local agent (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communication.

In view of the evidence adequately supported, grant of the petition and also re-mail of the Notice of Allowance and Fee(s) Due is respectfully requested.


I hereby declare that we have firsthand knowledge and all statement made herein are true and

that all statements made on information and belief are believed to be true.

SIGNED BY:

The applicant of the above referenced patent:

Name: Jung-Chun TSENG

Signature: 

Date: September 22, 2008

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: July 2003

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
23~24/63	X		Vincent	7/9/03	Lease	7/10/03	notice of Allowance	58165,321	42-1513A GT020507	
"	X		"	"	"	"	Filing Receipt	10/459,227	42-1513A GT030450	
24~25/63	X		Vincent	7/16/03	Lease	7/17/03	"	10/435,500	42-1513A WB030136	
"	X		"	"	"	"	"	10/461,086	42-1513A CT030188	
26~27/63	X		Vincent	7/22/03	"	7/23/03	"	10/443,915	42-1513A CH030160	
"	X		"	"	"	"	"	10/440,200	42-1513A TG030126	
"	X		"	"	"	"	notice of Rejection of Amendment O.C.	10/459,227, 533	42-1513A CT020186	
"	X		"	"	"	"	Filing Receipt	10/435,500	42-1513A CT030138	
28~29/63	X		Vincent	7/30/03	"	7/31/03	"	10/440,228	42-1513A ZH030059	
"	X		"	"	"	"	"	10/440,229	42-1513A TG030080	

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July &
MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

August 2003
Month/ Year:

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
28~8/6	X		Vivian	8/30	Cent	8/6	Filing Receipt	10/053, 235	02-0538A 01030066	
"	X		"	"	"	"	"	10/053, 263	02-0268 01030156	
"	X		"	"	"	"	"	10/053, 270	02-0610A 01030066	
8/6~8/13	X		Vivian	8/6	"	8/13	"	10/053, 316	02-0207A 01030183	
"	X		"	"	"	"	"	10/053, 503	02-1135A 01030156	
"	X		"	"	"	"	"	10/053, 301	02-0539 01030183	
"	X		"	"	"	"	Notice of Allowance	10/053, 285	02-0002A 01030156	

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MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: November 2007

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
11/1-11/3/07	X				Alexus	11/3/07	Filing Receipt	10/03, 988	02-1523A 76 030257	
11/3-11/9/07	X				Alexus	11/3/07	Office Action	10/08, 360	02-0507A CS 0201	
	X						Notice of Allowance	10/09, 033	02-0307A 44 020108	
	X						Office Action	10/02, 033	02-1501A 08 0201	
	X						Issue Verification	10/17, 181	02-0307A CT 02078	
	X						"	10/16, 301	02-1523A 67 020257	
	X						Filing Receipt	10/15, 300	02-1523A 24 020251	
	X						"	10/11, 972	02-0507A 76 030257	

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MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: Dec 2007 / Jan 2008

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
12/18/07	X		Vincent	12/18/07	Cleare	12/18/07	Office Action	10/28, 250	10-0714 C703036	
	X						"	10/28, 250	10-11709 GB000301	
12/18/07	X		Vincent	12/18/07	Cleare	12/18/07	Issue Notification	10/28, 250	10-10009 SK00026	
	X						Office Action	10/28, 250	10-10009 3400009	
	X						Filing Receipt	10/28, 250	10-0714 C703036	
	X						"	10/28, 250	10-0714 C703036	
	X						Notice of Allowance	10/28, 250	10-10009 C703036	
12/18/07	X		Vincent	12/18/07	Cleare	12/18/07	Filing Receipt	10/28, 250	10-10009 3400009	
	X						"	10/28, 250	10-0714 C703036	
	X						"	10/28, 250	10-10009 3400009	

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MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: December 2007

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
12/12-12/13/07	X		Vincent	12/13/07	Vincent	12/13/07	Filing Receipt	27,179,016	02-07374	
	X						"	27,179,017	02-07375	
12/14-12/15/07	X		Vincent	12/15/07	Vincent	12/15/07	"	10/660,037	02-07376	
	X						"	10/660,500	02-11038	
12/16-12/17/07	X		Vincent	12/17/07	Vincent	12/17/07	"	10/661,605	02-07377	
	X						Office Action	27,179,018	02-11039	
	X						Filing Receipt	27,179,019	02-07378	
	X						"	10/661,608	02-11040	
	X						"	10/660,501	02-11041	
12/18-12/19/07	X		Vincent	12/19/07	Vincent	12/19/07	"	10/665,145	02-07379	

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